

Application Serial No. 10/616,057
Amendment dated July 15, 2005
Notice of Allowance Mailed June 17, 2005

REMARKS

This is in response to the Notice of Allowance and Fees Due of June 17, 2005. By this Amendment, claims 1-21 are in the application. Applicant respectfully requests that this Amendment be entered prior to this case being passed to issuance.

Applicant acknowledges and appreciates the discussion with the Examiner on June 14, 2005, that placed the claims in this case in condition for allowance. After having reviewed such discussion, and the proposed changes to the claims, Applicant noticed that the suggested claim language was not entirely technically consistent with the description of the invention. Notably, the invention is for a solenoid fuel drain valve, whose function primarily is to allow the draining of water and other contaminants from the fuel filter. This is brought out repeatedly in the application, such as at Page 1, lines 5-16:

BACKGROUND OF THE INVENTION

This invention relates to solenoid fuel drain valves, in particular, although not exclusively, to solenoid drain valves for use in automotive fuel systems.

Fuel systems, generally comprise a fuel filter to remove water and other contaminants from the fuel. The fuel filter is generally part of a closed system. It is preferable to periodically remove the water and other contaminants from the fuel filter.

This may be achieved using a manual fuel drain valve. The operator of a manual fuel drain valve periodically releases the water and other contaminants by rotating the drain valve. Water and contaminants can be released from the fuel filter by draining through a first hole in the valve as air enters the fuel filter through a further hole in the valve.

Similarly, at Page 2, lines 3-12:

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To operate a solenoid fuel drain valve, a solenoid coil is activated to cause a plunger to be pulled from a closed position to an open position. In order to allow water and other contaminates to be released from the fuel filter the fuel system must be pressurised. In some arrangements, residual pressure from the fuel system provides enough pressure for the water and other contaminates to flow through the drain valve when opened by the solenoid. In other arrangements, it may be possible to mount the fuel filter below the fuel tank to create the required pressure difference. Otherwise, a means of pressuring the fuel system must be provided in addition to the solenoid fuel drain valve, in order to provide for drainage of the water and other contaminates through the valve when the valve is opened by the solenoid.

Applicant believes it is unmistakably clear that the primary operation of the valve is to drain water and other contaminates from the filter. Unfortunately, during the discussion with the Examiner, language was proposed for claim 1, indicating that i) the valve body had a "fuel" chamber, and that ii) "fuel" would be drained from the system. While some fuel might be entrained in the water after the fuel passes through the separation media, the drain valve is primarily intended for the draining of water and other contaminants separated by the filter, and that as such, it would be somewhat misdescriptive to have the language specifying "fuel" in claim 1.

Applicant simply suggests to overcome this issue i) that the term "fuel" be removed from the term "fuel chamber" in line 2 of claim 1¹; and ii) that the term "fuel" be replaced with "water and other contaminants" in lines 7 and 8 of claim 1.

¹ Applicant points out that the Specification merely identifies a "chamber" and not a "fuel chamber":

The solenoid adapter 8 defines an interior chamber 26 into which the drain inlet 20 and the air inlet openings 22 open. (from page 7, lines 3 and 4).

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It is not believed that the change in any way detracts from the reasons claim 1 was allowed over the art. Again, the change is being done merely to more accurately define the invention in a manner that is consistent with the description of the invention. It is not intended to broaden or change the scope of claims which should otherwise be allowed.

As such, entry of this Amendment prior to issuance is respectfully requested. Should the Examiner consider such Amendment to be inappropriate or otherwise not allowable after the mailing of the Notice of Allowance and Issue Fees Due, Applicant requests this Amendment be considered a Request for Continued Examination under 37 CFR Section 1.114, in which case Applicant requests that the necessary charges under 37 CFR Section 1.17(c) be made to Applicant's account. Applicant would also appreciate a phone call from the Examiner confirming these actions would be taken.

Otherwise, the Examiner is kindly requested to contact the undersigned attorney by telephone, if the Examiner has any questions on the above, or should the Examiner otherwise believe it would result in a furtherance of this matter.

Respectfully submitted,



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